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SAFER TECHNOLOGIES, INC.,
CERMA TECHNOLOGY, INC.,
GEORGE ACKERSON, MARY STRANAHAN,
NICHOLAS STREIT and EDWARD HALBACH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOTOR WORKS LLC,

Plaintiff,

vs.

SAFER TECHNOLOGIES, INC., CERMA
TECHNOLOGY, INC., GEORGE
ACKERMAN, MARY STRANAHAN,
NICHOLAS STREIT, TIM STREIT and
EDWARD HALBACH,

Defendants.

Case No.: 08-CV-03608 JW

**DECLARATION OF KRISTEN E. DRAKE
IN SUPPORT OF NOTICE OF
PLAINTIFF'S FAILURE TO MEET AND
CONFER IN VIOLATION OF THE
COURT'S JULY 8, 2009 PRELIMINARY
PRETRIAL CONFERENCE
SCHEDULING ORDER**

Date: March 16, 2010
Time: 1:00 p.m.
Courtroom: 8, 4th Floor
Judge: Hon. James Ware

I, Kristen E. Drake, declare:

1. I am an attorney at law duly admitted to practice before all the courts of the State of California. I am associated with the law firm of Craigie, McCarthy & Clow, attorneys of record for defendants Safer Technologies, Inc., Cerma Technology, Inc., George Ackerson, Mary Stranahan, Nicholas Streit and Edward Halbach.

2. Attached hereto as Exhibit "A" is a true and correct copy of the correspondence I sent plaintiff's counsel on January 19, 2010. Plaintiff's counsel failed to respond to this

1 correspondence.

2 3. I am over eighteen years of age and have the capacity to perceive and recollect. If
3 called upon to testify, I am competent to testify to the foregoing matters, which are within my
4 personal knowledge.

5
6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct and that this declaration was executed on January 22, 2010.

8
9
10 /s/ Kristen E. Drake
Kristen E. Drake

CRAIGIE, MCCARTHY & CLOW
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Exhibit “A”

From: craigielaw@aol.com

To: rcweems@weemslawoffices.com

Cc: JimHanavan@aol.com

Subject: Joint Pretrial Conference Statement

Date: Tue, Jan 19, 2010 1:54 pm

Dear Mr. Weems,

Pursuant to the Court's July 8, 2009 Preliminary Pretrial Conference Scheduling Order, the Joint Final Pretrial Conference Statement and *In Limine* Motions are due this Friday. Please forward to us a proposed Joint Pretrial Conference Statement which, pursuant to the court's order, contains the following:

1. A brief description of the substance of claims and defenses which remain to be decided
2. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of those damages
3. A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts the parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits
4. A plain and concise statement of all disputed factual issues which remain to be decided
5. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts
6. A statement of stipulations requested or proposed for pretrial or trial purposes
7. A concise statement of each disputed point of law concerning liability or relief
8. A list of all witnesses likely to be called at trial
9. A list of evidence the parties intend to present at trial through use of excerpts from depositions, from interrogatory answers, or from responses to requests for admissions
10. Any other subjects relevant to the trial of the action, or material to its just, speedy and inexpensive determination

Sincerely,
Kristen Drake